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In the Matter of

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CC Docket No. 93-2

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COMMENTS OF  
MCCAUGH CELLULAR COMMUNICATIONS, INC.

## I. SUMMARY

<sup>1</sup> FCC 93-5 (Feb. 9, 1993) ("Notice" or "NPRM").

streamline the preparation and processing of Part 21 applications. As recognized in the Notice, the consumers of a wide range of telecommunications services will benefit substantially from shorter delays between the identification of proposed PPMS facilities and the date when they can be placed into service. Indeed, comments submitted on a petition for rulemaking filed by McCaw in 1991 confirmed the need of carriers and their customers for steps to expedite PPMS service initiation.

The Notice recommends the adoption of rules that would permit PPMS applicants that comply with certain prerequisites to construct facilities upon the filing of a Form 494 application. Adoption of this proposal would permit PPMS applicants to position themselves to be able to initiate operation of a facility upon receipt of a Commission authorization. With minor changes, the adoption of the Notice's proposed rule amendment would have numerous public benefits.

The Commission's proposal, while aiding PPMS operators in better meeting the needs of consumers, does not go far enough. McCaw recommends the adoption of rules permitting PPMS applicants to initiate operation upon the filing of the Form 494 application. Such activity would be subject to the same conditions enunciated in the Notice for pre-authorization construction, along with the requirement that

the proposal be fully frequency coordinated in accordance with the Commission's Rules. The prior frequency coordination process ensures that new facilities will not cause interference to existing or proposed PPMS operations. Indeed, it is the success of this process that leads McCaw to believe that PPMS applicants could successfully initiate operations in advance of receiving a Commission authorization. Such action would provide increased benefits to the public.

McCaw supports the following proposals set forth in the Notice:

- To eliminate the Form 494A filing;
- To eliminate the use of Form 430 for Part 21 applications;
- To replace Forms 702 and 704 with a new Form 705; and
- To extend the period for consummating transfers of control and assignments to 60 days.

McCaw agrees with the Commission that the 18-month construction period should be reduced, but recommends that it be set at 12 months (rather than the six months proposed in the Notice). These changes should enhance the ability of PPMS applicants and licensees to comply more readily with their Commission obligations, while minimizing the paperwork that must be handled by the Commission staff.

## II. STATEMENT OF INTEREST AND BACKGROUND

McCaw, through affiliates, is a licensee of hundreds of PPMS facilities that serve as integral links in most of its more than 100 cellular systems. Given its reliance on the use of point-to-point microwave facilities, McCaw is keenly interested in Commission consideration and adoption of procedures facilitating the efficient licensing and use of microwave. This in turn would enhance its own ability, as well as that of other cellular carriers and other Part 21 licensees, to provide quality service to the public. The current procedures for licensing point-to-point microwave facilities, however, can cause long delays in the initiation of cellular service to the public. As a result and as pointed out in the Notice, McCaw filed a petition for rulemaking on October 16, 1991, proposing revisions to the Part 21 rules to expedite the provision of microwave services to the public.<sup>2</sup>

As explained in the Petition, McCaw and other cellular operators rely on microwave facilities to interconnect cellular base stations with one another and with the system mobile telephone switching office ("MTSO"). Voice traffic is

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<sup>2</sup> McCaw Cellular Communications, Inc. Petition for Rulemaking in the Matter of Amendment of Part 21 of the Commission's Rules and Regulations To Facilitate the Licensing and Initiation of Operation of Point-to-Point Microwave Radio Service Facilities, RM-7861 (filed Oct. 16, 1991) ("McCaw Petition").

hauled from the cell sites to the MTSO by means of the microwave paths. In addition, the microwave transmissions carry data and administrative information that are essential to setting up the call, monitoring and maintaining the call in progress, and providing necessary billing data.<sup>3</sup>

McCaw described in its Petition the interrelationship between the cellular and PPMS licensing processes. At that time and increasingly so in light of subsequent revisions to the Part 22 rules,<sup>4</sup> cellular service from a majority of cell sites can be initiated on a notice-only basis.<sup>5</sup> In such cases, no application, no public notice period, and no grant of prior Commission consent are required.

In contrast, PPMS proposals must first be frequency coordinated in accordance with Section 21.100(d) of the Commission's Rules.<sup>6</sup> It has been McCaw's experience that the coordination process -- which ensures that new facilities will not interfere with prior authorized or coordinated

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<sup>3</sup> By using its own licensed microwave facilities, rather than relying on leased lines provided by another entity, a cellular operator has greater control over technical performance, service availability, and cost. In addition, in many locations, there are no viable alternatives to use of radio-based facilities.

<sup>4</sup> See 47 C.F.R. § 22.9(d)(7) (1992).

<sup>5</sup> Some facilities will still require prior Commission consent. This involves the preparation of a Form 401 application, which is subject to a 30-day public notice period.

<sup>6</sup> 47 C.F.R. § 21.100(d) (1992).

operations -- generally consumes 35 to 45 days. The associated Form 494 application is subject to a 30-day public notice period.<sup>7</sup> Despite the Commission's efforts to improve the processing of PPMS applications, McCaw still finds that there is a substantial delay in the receipt of application grants -- McCaw regularly sees a lapse of 150-180 days from the time it files an application until the date when the authorization is issued.

The Commission has specifically designed its rules for the cellular service to facilitate the prompt initiation of service.<sup>8</sup> This permits cellular carriers to respond quickly to the needs and demands of customers. Action on PPMS applications, however, can delay the ability of McCaw to initiate operations at a cell site for several months. This obviously and adversely affects the ability of McCaw and other cellular carriers to meet customer needs.

The overall effect is that, in some areas, the public faces unnecessary delays in obtaining cellular service. In other cases, carriers are inhibited in their ability to upgrade service through steps such as expanding capacity and changing to better radio equipment. This, in turn, may

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<sup>7</sup> 47 C.F.R. § 21.27(a), (b) (1992).

<sup>8</sup> See, e.g., Cellular Communications Systems, 86 F.C.C.2d 469, 498 (1981), modified, 89 F.C.C.2d 58 (1982), further modified, 90 F.C.C.2d 571 (1982), appeal dismissed sub nom. United States v. FCC, 652 F.2d 72 (D.C. Cir. 1983).



detrimentally affect the quality and capacity of service.

These delays harm the public interest.<sup>9</sup>

III. THE NOTICE PROPOSES IMPORTANT RULE AMENDMENTS THAT WOULD  
ENHANCE THE PROVISION OF TELECOMMUNICATIONS SERVICES TO  
THE PUBLIC, BUT THE PUBLIC INTEREST WOULD BE BETTER  
SERVED BY IMPLEMENTATION OF ADDITIONAL CHANGES

The Notice proposes the adoption of a new rule that would permit PPMS applicants to begin construction of facilities upon the filing of a FCC Form 494 application, if certain conditions are satisfied.<sup>10</sup> While McCaw welcomes the proposed rule change, it urges the Commission to take this opportunity to streamline further its microwave licensing processes. The Part 21 rules should be further revised to permit the initiation of operation upon the filing of a Form 494 application that complies with Commission requirements, specifically including the completion of frequency coordination as directed by Section 21.100 of the Commission's Rules.<sup>11</sup>

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<sup>9</sup> Moreover, the mobile marketplace is a competitive one. Delays resulting from microwave licensing procedures can affect the competitive initiatives of a carrier. This may hinder achievement of the Commission's cellular and mobile services policy goals.

<sup>10</sup> Notice at ¶ 1.

<sup>11</sup> 47 C.F.R. § 21.100(d) (1992).

A. The Public Interest Will Be Served by Expediting the Initiation of PPMS Offerings

The vast majority of comments on the McCaw Petition supported Commission steps to shorten the time period between an applicant's decision to install PPMS facilities and the date on which transmission can commence (even if such parties did not always agree with the specific details of the McCaw proposal). As McCaw described in its Petition, cellular carriers would be able more promptly to initiate new or expanded services to the public.<sup>12</sup> Networks could be configured in the most economical and efficient fashion because carriers would be able to make rational business decisions based on technical needs rather than the timing of regulatory approvals. A carrier would be able to respond to its customers' often rapidly changing needs, and to initiate service to the public on a more timely basis. This, in turn, would enhance the efficiencies of users and would be of benefit to individual subscribers.

Other carriers also identified benefits for telecommunications consumers of permitting expedited service

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<sup>12</sup> See also Comments of Centel Cellular Company, RM-7861, at 6 (filed Dec. 27, 1991); Comments of NYNEX Mobile Communications Company, RM-7861, at 5 (filed Dec. 27, 1991); comments of U S West NewVector Group, Inc., RM-7861 at 1, 5 (filed Dec. 27, 1991).

initiation.<sup>13</sup> All users (not just cellular subscribers) would benefit from the provision of PPMS offerings on a more timely basis. Moreover, the presence of shorter time periods between service orders and the inauguration of new or modified services would promote competition,<sup>14</sup> which the Commission has repeatedly recognized has numerous benefits for the public.

Obviously, the benefits of earlier service initiation must not be achieved at the expense of interference-free operations for existing as well as new PPMS licensees and applicants.<sup>15</sup> Thus, any action must ensure that the effectiveness of the Section 21.100(d) coordination process is fully maintained.

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<sup>13</sup> E.g., Comments of Advanced Telecommunications Corporation, RM-7861, at 2-3 (filed Dec. 27, 1991) ("Advanced Comments"); Comments of American Telephone and Telegraph Company, RM-7861, at 2 (filed Dec. 27, 1991); Comments of GTE Service Corporation, RM-7861, at 1-2 (filed Dec 27, 1991); Comments of IDB Communications Group, Inc., RM-7861, at 3 (filed Dec. 27, 1991); Comments of Local Area Telecommunications, Inc., RM-7861, at 4 (filed Dec. 27, 1991).

<sup>14</sup> See Statement of Western Tele-Communications, Inc., RM-7861, at 2 (filed Dec. 27, 1991).

<sup>15</sup> See Advanced Comments at 3 ("Equally important in the context of this Petition is whether the cost of reducing the required waiting period would be to undermine critical elements of the Commission's licensing process in a way that would allow unqualified entities to operate microwave stations or that would increase the potential for interference.").

B.    The Proposal To Permit the Construction of  
Facilities Upon the Filing of a Form 494  
Application Represents an Important First Step

The Notice proposes to amend Section 21.43 of the Rules to permit PPMS applicants to initiate the construction of proposed facilities upon the filing of the respective Form 494 application. Construction may not be initiated or must be halted, under the Commission's proposal, if any of the following conditions exists:

- The application is mutually exclusive with a previously filed application or an existing station;
- A petition to deny is filed against the application;
- The application requests a waiver of Commission Rules pursuant to Section 21.19;
- The application is returned as unacceptable for filing;
- The applicant, where so required and not otherwise exempted, has not filed a notice of proposed construction with the Federal Aviation Administration ("FAA") and has not received a determination from the FAA that the proposed antenna structure would pose no hazard to aviation, and has not received a determination from the Commission as to any required antenna structure marking and lighting specifications;
- The applicant has not determined that the proposed facility will not have a significant environmental effect as defined pursuant to Sections 1.1301 to 1.1319 of the Commission's Rules, and the Form 494 application does not reflect such a determination; and
- The proposed facility is within 56.3 kilometers (35 miles) of the U.S.-Canadian or U.S.-Mexican border, or is otherwise subject to a treaty or agreement

between the United States and Canada or the United States and Mexico, or both, regarding frequency coordination.<sup>16</sup>

The proposed rule language specifically directs that an applicant that constructs facilities prior to the receipt of an authorization assumes the risk of: not receiving an authorization; errors and time delays in the public notice system; having to alter, relocate, or dismantle the facility; and incurring any costs necessary to bring the facility into compliance with applicable laws and regulations.<sup>17</sup> Finally, the proposed rule states that applicants "must not commence operating such facilities until after the Commission grants an authorization."<sup>18</sup>

McCaw agrees with the Commission that the proposed revised rule "may reduce construction costs for PPMS applicants and improve their competitiveness by allowing them greater flexibility in coordinating and consolidating construction projects."<sup>19</sup> For example, under the current rule requirements, McCaw cannot even schedule construction of the microwave facilities due to uncertainty as to when the

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<sup>16</sup> Proposed Section 21.43(c)(3).

<sup>17</sup> Proposed Section 21.43(c)(4).

<sup>18</sup> Proposed Section 21.43(c)(5).

<sup>19</sup> Notice at ¶ 3.

application will be granted.<sup>20</sup> Once the authorization is issued, it may not be possible immediately to undertake construction. Rather, factors such as weather, terrain, and the availability of construction companies may lead to further delays of weeks or months.

If, however, McCaw could proceed to schedule and undertake construction as soon as it has filed a Form 494 application, it would then be prepared to initiate service over the PPMS facilities (and associated cellular facilities) as soon as the PPMS authorization is granted. For at least some service arrangements, this would mean that PPMS facilities could be placed in operation up to several months earlier than is the case now. This would have obvious benefits for the public.

For the most part, the conditions proposed by the Commission represent reasonable steps for ensuring that pre-authorization construction will not subsequently raise compliance concerns.<sup>21</sup> One proposed prerequisite, however, would defeat the purposes underlying the Notice.

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<sup>20</sup> In many cases, the most efficient and cost-effective method is for McCaw to construct the cellular and PPMS facilities at the same time, particularly where outside contractors must be employed. See Notice at ¶ 3. Thus, delays in scheduling the installation of PPMS equipment also may hinder the associated cellular construction.

<sup>21</sup> McCaw agrees that PPMS applicants should bear all risks associated with the construction of facilities prior to Commission issuance of an authorization.

Specifically, proposed Section 21.43(c)(3)(iv) directs that an applicant may not commence or continue construction where:

The applicant, where required (and not exempted under §17.14 of this Chapter), has not filed a notice of proposed construction with the FAA and received a determination from the FAA that the proposed antenna structure would pose no hazard to aviation, and has not received a determination from the Commission as to any required antenna structure marking and lighting specifications.

This condition reflects the Commission's longstanding policy that licensees must ensure that their towers will not pose any sort of hazard to aviation. To that extent, McCaw is in full accord with the Commission that PPMS applicants, where required, must have notified the FAA and received a no hazard determination before construction of a facility may proceed.

This proposed section, however, also would require a PPMS applicant to receive antenna structure marking and lighting specifications from the Commission before construction may proceed. At present, such specifications are supplied to PPMS applicants and licensees only when the authorization is issued. The practical effect of this condition, then, is to require that PPMS applicants wait to initiate construction until the authorization is issued -- the very problem the Notice is attempting to cure.

McCaw suggests that the Commission should instead permit PPMS applicants to rely upon the marking and lighting specifications recommended by the FAA. This is the procedure

employed with respect to cellular facilities constructed in accordance with the Form 489 notification procedure.<sup>22</sup> To the best of McCaw's knowledge, this process (with licensees relying upon marking and lighting specifications indicated by the FAA) is successful. Accordingly, proposed Section 21.43(c)(3)(iv) should instead state:

The applicant, where required (and not exempted under §17.14 of this Chapter), has not filed a notice of proposed construction with the FAA and has not obtained full FAA approval.<sup>23</sup>

This change will ensure that PPMS applicants construct facilities that will not impose hazards to aviation, while permitting such applicants to proceed more promptly with construction, as the Notice intends to accomplish.

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<sup>22</sup> Under this procedure, a cellular licensee may construct and operate facilities without prior specific Commission approval in certain circumstances, if it has received any required FAA clearance. See 47 C.F.R. § 22.117(b) (1992). Once the facility is constructed, the licensee may file a Form 489 notification that the facilities are ready to provide service, and then initiate operations over those facilities. Obviously, in such circumstances, the cellular licensee has not received Commission mandated marking and lighting specifications before proceeding with construction.

<sup>23</sup> This language mirrors the requirements set forth in 47 C.F.R. § 22.117(b) (1992).



C.    The Commission Should Permit PPMS Applicants Also  
To Initiate Operations Upon the Filing of a Form  
494 Application

The Notice states that the proposed rule revisions would "not change the requirement that PPMS applicants obtain grant of an authorization before beginning operation of facilities."<sup>24</sup> The Notice rejects the proposals contained in the McCaw Petition to permit PPMS licensees and applicants to use modified procedures under Sections 21.707 and 21.708 of the Rules<sup>25</sup> to enable the prompt initiation of operations. The Commission has "tentatively conclude[d] that our proposal to eliminate the preconstruction authorization requirement for PPMS addresses the ultimate goal of the McCaw petition -- expedited delivery of PPMS -- without undue infringement on the integrity of the frequency coordination process and without otherwise compromising PPMS."<sup>26</sup> The Notice explicitly requests comment on this tentative conclusion.<sup>27</sup>

As discussed above, the proposal contained in the Notice does represent a substantial enhancement in the ability of carriers like McCaw to inaugurate service more promptly by

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<sup>24</sup>    Notice at ¶ 10.

<sup>25</sup>    47 C.F.R. §§ 21.707, 21.708 (1992).

<sup>26</sup>    Notice at ¶ 14.

<sup>27</sup>    Id.

means of PPMS facilities. McCaw believes, however, that additional steps could be taken to improve the offering of telecommunications services to the public while maintaining the integrity of the frequency coordination process. Specifically, PPMS applicants that have successfully completed frequency coordination and otherwise comply with the conditions set forth in proposed Section 21.43(c) should be authorized to begin operation upon filing a Form 494 application.

As the Notice points out, all PPMS applicants must comply with full prior frequency coordination requirements set forth in Section 21.100(d) of the Rules.<sup>28</sup> Moreover, the Notice states that "[o]ur experience has been that few frequency coordination conflicts arise among PPMS applicants and those that do arise are virtually all resolved through the mutual cooperation of the parties before the application is filed and with minimal intervention by the Commission."<sup>29</sup> McCaw agrees that the frequency coordination process required by Part 21 of the Rules is critical to the successful placement and operation of PPMS facilities.

Indeed, it is the successful operation of this coordination process that gives the Commission the latitude to authorize PPMS applicants to initiate operation upon the

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<sup>28</sup> Id. at ¶ 4. See 47 C.F.R. § 21.100(d) (1992).

<sup>29</sup> Notice at ¶ 4.

filing of a Form 494 application without fear of compromising the operations of other carriers. The essential work to ensure interference-free operation has been completed by the time the application is filed.

The proposals contained in the McCaw Petition received support from a number of entities, many of whom must provide telecommunications services on short notice in order to meet the needs of the public. While temporary facilities can be deployed under the procedures set forth in Sections 21.707 and 21.708 of the Commission's Rules,<sup>30</sup> permanent facilities often also must be installed on an expedited basis. Under the existing rules, as well as the modifications proposed by the Notice, the result is unreasonably to delay services needed or desired by the public.

McCaw acknowledges that there were some concerns about McCaw's proposal to permit the earlier initiation of service to consumers. Some of these statements reflected a misunderstanding of the McCaw proposal, and involved fears that somehow the frequency coordination process would be affected. As indicated above, McCaw is in full concurrence with such parties that the frequency coordination process is critical, and McCaw (as an existing licensee of a large number of PPMS facilities) wants the full effectiveness of that process retained.

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<sup>30</sup> 47 C.F.R. §§ 21.707, 21.708 (1992).

In addition, a couple of parties were troubled because service could be initiated in advance of the issuance of a public notice concerning that specific site. This concern implicitly assumes that the public notice of the FCC Form 494 filing somehow is inter-related with the frequency coordination process. Under the frequency coordination process, however, all potentially affected parties are formally contacted before an application is filed. Compliance with Section 21.100(d) is an independent obligation imposed on applicants; the public notice procedures represent a separate set of requirements. Indeed, if the applicant has complied with its frequency coordination obligation, the public notice of the filing of the application is simply a reiteration of the information that all potentially affected carriers already have in their possession. Moreover, temporary-fixed facilities are routinely placed into operation with no advance public notice, and McCaw is not aware that such operations are particularly problematic.

The National Spectrum Managers Association, Inc. ("NSMA") suggests, as a method for expediting operations, that a number of tasks associated with the implementation of a microwave path -- such as path and site selection, site negotiation and acquisition, equipment purchase and delivery, construction and installation -- could be performed

simultaneously with the coordination and licensing process.<sup>31</sup> As described in the McCaw Petition, however, some of these steps (specifically including site selection) must be completed prior to the initiation of the frequency coordination process in order to ensure a valid analysis.<sup>32</sup> NSMA also states that "there are other methods for shortening the process,"<sup>33</sup> but gives no specific examples of what those methods might be.

If the Commission authorizes applicants to initiate PPMS service upon the filing of a Form 494 application, this clearly would further the Commission's obligation to promote the prompt delivery of telecommunications services to the public.<sup>34</sup> Moreover, this goal would be achieved while fully protecting the integrity of the frequency coordination process and therefore the operations of other Part 21 licensees.<sup>35</sup> This outcome successfully balances the concerns of all PPMS participants and best serves the public interest.

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<sup>31</sup> Reply Comments of National Spectrum Managers Association, Inc., RM-7861, at 4 (filed Jan. 13, 1992) ("NSMA Reply Comments").

<sup>32</sup> McCaw Petition at 7-8, 14.

<sup>33</sup> NSMA Reply Comments at 4.

<sup>34</sup> 47 U.S.C. § 151 (1988).

<sup>35</sup> In addition, adoption of McCaw's proposal would lessen the number of filings for temporary authority, thus reducing the staff workload.

IV. THE COMMISSION CAN TAKE A NUMBER OF ADDITIONAL STEPS TO  
STREAMLINE THE FILING AND PROCESSING OF APPLICATIONS AND  
REPORTS FOR PART 21 LICENSEES AND APPLICANTS

The Notice proposes a number of additional actions affecting PPMS applicants as well as Part 21 applicants generally. These steps include:

- Elimination of the FCC Form 494A for PPMS applicants as well as the requirement that PPMS applicants notify the Commission upon the completion of construction of proposed facilities or certain modifications to existing facilities;<sup>36</sup>
- Reduction of the construction period for PPMS facilities from eighteen months to six months;<sup>37</sup>
- Elimination of the requirement that Part 21 applicants use FCC Form 430 to report licensee qualification information (with such information instead to be supplied on FCC Forms 494 and 705);<sup>38</sup>
- Replacement of FCC Forms 702 and 704 with a new Form 705;<sup>39</sup> and
- Extension of the period for consummating assignments and transfers of control from 45 days to 60 days.<sup>40</sup>

McCaw supports adoption of all of the above proposals with the exception of reducing the period for construction of facilities to six months. While permitting entities to engage in pre-authorization construction should mean that

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<sup>36</sup> Notice at ¶¶ 15-16.

<sup>37</sup> Id. at ¶ 17.

<sup>38</sup> Id. at ¶ 18.

<sup>39</sup> Id. at ¶ 19.

<sup>40</sup> Id.

they do not need eighteen months to complete construction, six months may prove to be too short. The Commission instead should adopt a twelve month construction period. This would be consistent with the period of construction for many other radio-based services, such as cellular. To the extent that the construction of PPMS facilities must be coordinated with the construction of other facilities, mandating a twelve month construction period will provide maximum flexibility to Commission licensees while minimizing the need for the Commission to process requests for extensions of time to complete construction. Moreover, a twelve month construction period should not alter the incentives of licensees to complete construction as quickly as possible.

V. THE PROPOSED FORMS COULD BE FURTHER STREAMLINED

The proposed Forms 494 and 705 are largely based on existing application forms. Many items contained on existing forms, however, are no longer necessary to the staff in processing the application proposals. The Commission should take full advantage of this opportunity to dispense with unneeded requests for information while ensuring the forms include all items essential for the Commission to complete its review of a proposal and to issue requested authorizations.

Proposed Revised Form 494. McCaw suggests the following revisions to the proposed revised Form 494 attached to the Notice:

1. Item 12(b): Eliminate the requirement that licensees submit the lease or option for the proposed site. Applicants are required to indicate that they have reasonable assurance of site availability in item 13. This assurance should be sufficient, without also requiring submission of a lease or option. Also, radio license applicants in other services are not required to submit lease or option agreements.
2. Item 14(g): The exhibit requested by this item appears to be necessary only if the applicant is demonstrating that it is exempt from FAA notification requirements. See Section 17.14 of the Commission's Rules.<sup>41</sup> If that understanding is correct, the form should indicate that this exhibit is required only in the case of such an exemption. If the FAA has been notified, then this information should not be needed.
3. Item 19: McCaw is not certain whether the demonstration of maintenance procedures is useful to the Commission staff. Certainly, this type of information is not required of applicants in other radio services, and apparently could be eliminated.
4. Item 26: The text of the question is garbled.
5. Item 29: If the Commission is proposing to eliminate the use of the Form 430 for Part 21 applicants, then the Form 494 should only request applicants to complete the succeeding questions of the item.
6. Item 29(c): This item appears to request information that is not relevant to the applicant's qualifications to hold Part 21 licenses.
7. Item 29(f): McCaw questions whether the filing of partnership agreements in fact is necessary.

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<sup>41</sup> 47 C.F.R. § 17.14 (1992).



8. Item 29(g): McCaw questions whether the filing of articles of incorporation in fact is necessary.
9. Item 29(h): This item directs the applicant to identify direct or indirect interests in other radio stations, specifically requesting information on call signs, service, location, and name of permittee or licensee. For a company like McCaw (and many other Part 21 licensees), this involves pages of information that may be of limited relevance to staff review of an application for authority. The Commission should consider whether this information could be streamlined.
10. Item 29(m): This item appears to be duplicative of the information required by item 22. It appears that item 29(m) could be eliminated from the form.

Proposed Form 705. McCaw suggests the following revisions to the proposed Form 705 attached to the Notice:

1. Item 6: McCaw questions whether the filing of the articles of incorporation of the licensee or permittee in fact is necessary.
2. Item 8: In addition to requiring a description of the transaction, this item also requests the submission of "any pertinent contracts, agreements, instruments, certified copies of court orders, etc." Such documents often contain confidential or proprietary information that is not relevant to the Commission's review. McCaw recommends that the requirement that such agreements be submitted to the Commission on a routine basis be eliminated. Instead, if the Commission staff determines that such agreements should be reviewed in the context of a particular application, such information can be requested from the parties under Section 21.13(c)(2) of the Commission's Rules.<sup>42</sup> Deleting this requirement also would be consistent with other common carrier transfer/assignment forms.
3. Items 14(b) and 14(c): Item 14(b) requests the proposed assignee to identify the owner of the station, where the assignee is not the owner. Similarly, item 14(c) directs the assignee to

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<sup>42</sup> 47 C.F.R. § 21.13(c)(2) (1992).